

555 New

**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**

Name VAN Durdan DAVID W  
(Last) (First) (Initial)

Prisoner Number F-13456

Institutional Address SAN QUENTIN state prison

**FILED**  
JUN 12/2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

DAVID W VAN Durdan  
(Enter the full name of plaintiff in this action.)

vs.

SAN QUENTIN state Prison

Case No. **08 2940**  
(To be provided by the Clerk of Court)

**COMPLAINT UNDER THE  
CIVIL RIGHTS ACT,  
Title 42 U.S.C § 1983**

**JF**

**(PR)**

*[All questions on this complaint form must be answered in order for your action to proceed..]*

**I. Exhaustion of Administrative Remedies.**

**[Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement SAN QUENTIN

B. Is there a grievance procedure in this institution?

YES ☒ NO ( )

C. Did you present the facts in your complaint for review through the grievance procedure?

YES ☒ NO ( )

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

008-2940 JF

1. Informal appeal WAS lost two times

2. First formal level

3. Second formal level

4. Third formal level

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ( ) ~~NO~~

F. If you did not present your claim for review through the grievance procedure, explain why. CDC has repeatedly destroyed and or lost every CDC Form 602 Administrative Appeal that I have submitted

II. Parties.

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

DAVID W VAN DURDEN F13456

SAN QUENTIN STATE PRISON

SAN QUENTIN CA 94974

B. Write the full name of each defendant, his or her official position, and his or her place of employment.

C/O Christensen SAN QUENTIN state prison

1 WARDEN of SAN QUENTIN state Prison  
2  
3  
4

5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each  
7 defendant is involved and to include dates, when possible. Do not give any legal arguments or  
8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a  
9 separate numbered paragraph.

10 See ATTACH pages 1, 2  
11  
12  
13  
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22

23 IV. Relief.

24 Your complaint cannot go forward unless you request specific relief. State briefly exactly  
25 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

26 See ATTACH page 2B  
27  
28

1  
2  
3  
4  
5 I declare under penalty of perjury that the foregoing is true and correct.

6  
7 Signed this 5<sup>th</sup> day of June, 20  

8  
9 

10 (Plaintiff's signature)  
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in contact with regarding this situation, after  
 it was released on parole.

#1

ON Thursday June 28<sup>th</sup>, 2007 AT SAN QUENTIN  
 STATE PRISON after evening meal I WAS  
 approached by C/O CHRISTENSEN AND ANOTHER ~~C/O~~  
 HEAVY SET C/O ASSIGNED TO ALPINE SECTION  
 THAT DAY. C/O CHRISTENSEN STATED THAT HE  
 WANTED ME TO ASSAULT THE INMATE IN CELL  
 1-A-5 (MEIMARDIS #T-08018) WHEN I REFUSED  
 BOTH OFFICERS ~~STATED~~ STATED "YOU KNOW  
 HOW IT GOES EITHER YOU DO IT OR WE HAVE  
 SOMEONE ELSE DO YOU + HIM" I CONTINUED  
 TO REFUSE.

#2

THEN C/O CHRISTENSEN SAID TO THE OTHER  
 C/O "KEY VANDURDON WAS SUPPOSE TO GO HOME  
 ALREADY." THE OTHER C/O SAID "YES THAT'S  
 RIGHT" C/O CHRISTENSEN THEN SAID  
 "YOU LOOK SUICIDAL MAYBE WE SHOULD  
 PUT YOU IN 4 POINT RESTRAINTS" AS  
 HE LOOKED ME RIGHT IN THE EYES.

#3

I THEN SUCCUMBED TO THE PRESSURE  
 & THREATS TO MY HEALTH & AGREED TO  
 THEIR DEMANDS. C/O CHRISTENSEN UNLOCKED  
 MY CELL & I WAS ESCORTED TO CELL  
 1-A-5. C/O CHRISTENSEN UNLOCKED CELL  
 1-A-5 WHICH WAS SOLELY OCCUPIED BY  
 INMATE MEIMARDIS & THEN SHOVED ME  
 INTO THE CELL. I LOOKED AT IM MEIMARDIS  
 THEN C/O CHRISTENSEN. THE C/O'S NODDED  
 @ I BEGAN BEATING IM MEIMARDIS AS  
 KEY WATCHED & THE INMATE DID NOT  
 DEFEND HIMSELF. THE C/O'S WALKED  
 OFF FOR AWHILE THEN RETURNED  
 REMOVED ME FROM CELL 1-A-5 & RETURNED

<sup>cont</sup>  
 #3 me to cell 1-A-7

#4 Approximately 1 hour later at pill call I notified the nurse that I needed to speak to DR. FREEMAN, that the go's had me assault another inmate. The nurse told the go's she couldn't find my pills & needed to return to the medical Dept.

#5 shortly after the nurse left. DR. FREEMAN came to my cell & I explained what had happened. DR. FREEMAN stated "I don't believe that stuff happens here" then left.

#6 The next day Friday June 29 ~~after~~ as we returned from breakfast. I noticed DR. FREEMAN & ~~the~~ in the office with I'm meimardis. I'm meimardis began yelling that's him that's the guy that beat me.

As Lt Munoz entered the Housing unit I asked to speak to him. I explained what had happened the day before as well as my attempts to notify medical staff. Lt Munoz entered the office to speak with I'm meimardis.

DR. FREEMAN then came to speak with me and apologized for not believing me the day before. Then Correctional CPT Donahue and an Associate Warden entered the Housing unit. Lt Munoz came to me & informed me that I would not be paroling that day as expected. I was going to AD-Seq.

2A

- #7 I WAS HOUSED IN A CELL IN THE ADJUSTMENT CENTER THAT HAD PREVIOUSLY HELD INMATE WHITEHEAD. THE CELL WAS COVERED IN HUMAN FECES. I REFUSED TO BE PUT IN THAT CELL UNLESS IT WAS CLEANED. I WAS TOLD BY THE ESCORTING OFFICERS THAT I WOULD GO INTO THE CELL OR THEY WOULD BREAK MY WRIST.
- #8 THE FOLLOWING MONDAY I WAS BROUGHT TO A ROOM & TOLD TO GIVE MY STATEMENT OF EVENTS AND THAT THEY WOULD BE VIDEO TAPED. I WAS FURTHER ADVISED THAT INTERNAL AFFAIRS WOULD BE COMING TO SPEAK WITH ME.
- #9 I WAS RELEASED FROM CUSTODY & PLACED ON PAROLE ON \_\_\_\_\_.
- #10 I HAVE BEEN HARASSED BY GP CHRISTENSEN IN MY COMMUNITY. HE HAS CHASED ME IN HIS TRUCK A \_\_\_\_\_
-

# 11

I Comphained to my parole officer  
 \_\_\_\_\_ And filed a CDC  
 602 with my Parole officer on  
 Two occasions. Both CDC 602's  
 Have been lost.

# 12

As of this date INTERNAL AFFAIRS  
 HAS NOT MADE ANY CONTACT with me  
 CONCERNING these events.

# 13

I have been obstructed from  
 pursuing any & all remedies available  
 to me ADMINISTRATIVELY.

# 14

I AM NOW FACING Parole Violation &  
 placed ONCE AGAIN in custody at  
 SAN QUENTIN BECAUSE I Absconded  
 while on parole OUT OF FEAR FOR  
 MY life, due to RETALIATION by  
 G/O CHRISTENSEN



1B

1#

That a thorough Federal Investigation be held regarding Correctional Staff Violations of prisoners And Abuse of Authority at San Quentin.

2\*

Declarative relief stating that CDC staff have violated my constitutional protections under the U.S. constitution

3\*

Protections from further harassment by % Christensen and San Quentin staff.

4#

Punitive damages in the amount of \$75,000<sup>00</sup> for emotional trauma and stress.

David V. Doreen 1-15756

San Quentin State Prison

San Quentin, CA

94974



MAIL

Court

Clerk of the U.S. District

and

450

Golden Gate Ave

P.O. Box 36060

San Francisco, CA 94111

Legal